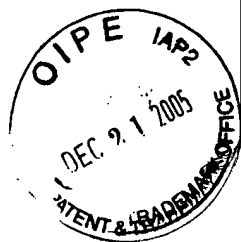


12-22-05

CASE D0273 NP

AFU



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV304409108US  
Express Mail Label Number

December 21, 2005  
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1652

HUANG ET AL.

Examiner: SWOPE, SHERIDAN

APPLICATION NO: 10/648,593

FILED: AUGUST 26, 2003

FOR: IDENTIFICATION OF POLYNUCLEOTIDES FOR PREDICTING  
ACTIVITY OF COMPOUNDS THAT INTERACT WITH AND/OR  
MODULATE PROTEIN TYROSINE KINASES AND/OR PROTEIN  
TYROSINE KINASE PATHWAYS IN BREAST CELLS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT  
WITHOUT TRAVERSE**

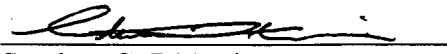
Sir:

In reply to the Office Action dated November 30, 2005, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect, without traverse, to prosecute the Group I claim drawn to a method of identifying breast cancer cells that are either resistant or sensitive to a protein tyrosine kinase inhibitor using the EphA2 gene cluster. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants Reply is timely filed and no extensions of time are required.

If any fee is due in connection herewith, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-5289  
Date: December 21, 2005

  
Stephen C. D'Amico  
Agent for Applicants  
Reg. No. 46,652